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45 La. Ann. 71, 12 South. 6; *Lund v. Wheaton Mill Co.*, 50 Minn. 36; *Clark v. German Security Bank*, 61 Miss. 611; *Wilson v. St. Louis Ry. Co.*, 108 Mo. 588, 18 South. 286; *Broadway Bank v. McElrath*, 13 N. J. Eq. 24; *De Comeau v. Guild Farm Oil Co.*, 3 Daly (N. Y.) 218; *Beckwith v. Burrough*, 13 R. I. 294; *Cornick v. Richards*, 3 Lea (Tenn.) 1; *James v. James*, 81 Tex. 373, 16 S. W. 1087; *Hazard v. Nat. Exch. Bank*, 26 Fed. 94. These courts proceed on the theory that an attaching creditor acquires no higher rights by levying on shares standing on the books of the corporation in the name of his debtor than his debtor had in them at the time of the levy. Statutes expressly requiring transfers of shares to be recorded on the books of the corporation, as in the principal case, are usually construed as intended for the protection of the corporation, in paying dividends and allowing the stock to be voted, and not as public recording acts for the protection of the general public. 2 COOK, CORP., ED. 6, § 487; 2 THOMPSON, CORP., § 2411.

CRIMINAL PROCEDURE—SEALED VERDICT—SEPARATION OF JURY.—Defendant was charged with assault with intent to kill. After trial, the jury retired upon order of the court that they might separate after signing and sealing a verdict and placing it in the hands of the sheriff. This was done, the sheriff gave the sealed verdict to the clerk of the court and when the jury was called, they agreed orally to the original verdict as written. *Held*, that the separation of the jury, after the sealed verdict was rendered, did not vitiate the verdict given in open court and was not ground for a new trial. *People v. Duffek* (1910), — Mich. —, 128 N. W. 245.

Michigan has followed the rule of *Commonwealth v. Carrington*, 116 Mass. 37, which holds that the common law practice of refusing to allow the jury to separate until verdict rendered in open court does not apply in trials of felonies. A sealed verdict may be taken which when ratified after separation is the true verdict. In capital cases the common law rule is strictly followed in all states. Michigan by statute, has adopted it in murder cases. In trials of misdemeanors the jury may separate after a sealed verdict has been taken. See *Koch v. State*, 126 Wis. 470; *Pehlman v. State*, 115 Ind. 131; *Jackson v. State*, 45 Ga. 198; *Hechter v. State*, 94 Md. 429. In *Farley v. People*, 138 Ill. 97, 27 N. E. 927 in trial of a felony it was held that the common law rule applied in Illinois and that after the jury separated they had no power to render a verdict.

EMINENT DOMAIN—STREETS—POWER TO CONDEMN LAND REQUIRED FOR RAILROAD PURPOSES.—The city of Portland, Oregon, has the general power to appropriate and condemn private property for street purposes. In an action to enjoin the city from enforcing an order of the council, opening, widening and extending a certain street, it is held that under its authority the city had no power to condemn a part of a railroad right of way to construct a street longitudinally along the same, especially where there was no provision for joint use. *Portland Ry., Light & Power Co. v. City of Portland* (1910), — C. C. D. Ore. —, 181 Fed. 632.

A municipal corporation cannot exercise the power of eminent domain unless expressly authorized by the legislature. *Gasaway v. City of Seattle*,